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UNCLAS SECTION 01 OF 02 TORONTO 000085

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E.O.12958: N/A  
TAGS: [PGOV](#) [PHUM](#) [PINR](#) [PTER](#) [CA](#)  
SUBJECT: First Toronto Terrorism Trial Starts

Ref: (A) 06 Ottawa 1711 (notal) (B) 06 Toronto 1636 (notal)  
(C) 06 Toronto 2138 (notal) (D) 07 Toronto 132 (notal)  
(E) 07 Toronto 139 (notal)

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Sensitive But Unclassified - protect accordingly.

11. (SBU) SUMMARY: On March 25 the trial of one of the 18 persons originally arrested for participating in a Toronto-based terrorist group began in a provincial courtroom in the Greater Toronto Area (GTA). On the first day of the first trial, an Ontario Superior Court judge unsealed some prosecution documents. The prosecution has asked for a publication ban on some of the evidence while media lawyers are arguing that the trials should be open to the public. Major Canadian dailies today reported new "shocking and sensational" details of the alleged plot. Canadian law enforcement officials and prosecutors are very carefully handling this first case to be tried under Canada's post-9/11 anti-terrorism legislation. The trials of the other 14 accused terror group members will not begin before the fall. END SUMMARY.

#### The First Terror Plot Trial

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12. (U) On March 25, almost two years after police arrested 18 alleged "homegrown terrorists" in the Greater Toronto Area (GTA) in the summer of 2006, the trial for one of the youngest accused, who was age 18 when arrested, began in a local provincial court. At the time of the arrests, Toronto-area press reported that the group planned to construct truck bombs targeting the Toronto offices of the Canadian Security Intelligence Service (CSIS), the Canadian Broadcasting Corporation, the Toronto Stock Exchange, a Canadian Forces base, and the CSIS and RCMP headquarters in Ottawa. The press reported that the group also planned to storm Parliament Hill in Ottawa, taking Members of Parliament hostage, and beheading them if Canadian armed forces did not leave Afghanistan. A publication ban had effectively prevented public release of further details of the group's activities or plans.

13. (U) On the first day of the first trial, an Ontario Superior Court judge unsealed prosecution documents including a summary of the evidence that the accused participated in and contributed to the activity of a terrorist group. The first of the group to be tried is accused of attending a training camp from December 18 - 31, 2005, during which he was "present for terrorist indoctrination, wore hooded camouflage and participated in various military-style exercises including marching, obstacle course training and firearms training," according to prosecution documents. The prosecution

alleges group members engaged in "Jihadist discussions" and "viewed videos of an extremist and violent nature." The young man, who is now 20 years old pleaded not guilty in the first trial for anyone charged under Canada's 2001 Anti-terrorism Act, which was enacted after the 9/11 attacks.

14. (U) The prosecution claims the accused man participated in a second camping excursion with some of the other accused in May of 2006, which prosecutors claim is indicative of "his ongoing commitment." The accused was arrested and charged with stealing walkie-talkies and outdoor utensils for a training camp from a Canadian Tire store in February 2006, under orders from the group according to prosecutors. When the accused was subsequently arrested during the massive police sweep on June 2, 2006, investigators searched his home and allegedly seized "military camouflage and computer files depicting graphic war-like propaganda, including photographs of paramilitary training camps, coalition casualties, and infamous terrorists such as Osama bin Laden." The judge is expected to begin hearing evidence in the case on May 27.

#### Prosecution Seeks Publication Ban

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15. (U) On March 25 the judge issued an interim ruling allowing the media to report on the proceedings without identifying the adults. Before the trial begins hearing evidence, the presiding judge must rule on a prosecution motion seeking a partial publication ban that would prohibit reporting the identities of the adults accused of belonging to the Toronto 18 (Note: 14 men and four youths were charged in 2006 with belonging to the al-Qaeda inspired cell; judges subsequently stayed the charges of three of the teens while the 14 adults are still awaiting trial - four on bail and 10 in jail. End Note).

16. (U) The prosecution asked for the publication ban because much of  
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the evidence in this trial will overlap with evidence in the trials of the other 14 accused terrorists, arguing that repeated and sustained exposure of the public to some of the evidence risks the adults' right to a fair trial. A lawyer representing media outlets argued against the ban because the proceedings are in a public courtroom and transparency is especially important since this is the first trial for anyone charged under the 2001 Anti-terrorism Act.

#### Canadian Press Report New Terror Plot Details

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17. (U) Major Canadian dailies today reported the "shocking and sensational" details of the alleged plot. Prosecution documents reportedly contain transcripts of wiretaps and videotapes that include one conversation depicting the group's ambitions: "They're probably expecting what happened in London or something," he said. "... Some bombing in a subway kills 10 people and everybody gets deported. We're not doing that. ... So our thing it's, it's much, much greater on a scale ... you do it once and you make sure they can never recover again."

18. (U) In arguing for a publication ban, prosecutors said the evidence of these violent schemes and aspirations are so disturbing they could prejudice the future trials of the 14 adults who are also charged with belonging to this group. In response to concerns raised by prosecutors and defense lawyers, the judge banned the publication of any names (ref (E)) and a small portion of the allegations. The Toronto Star today reported that the prosecution evidence will include:

--Videos of terrorist indoctrination, in which the accused are exhorted to wage battle in the new empire of "Rome" in North America, "whether we get arrested, whether we get killed."

--Wiretap surveillance in which they discuss their desire to "establish the religion of Allah and to get rid of the oppressors" and the need for funds to finance their goals of building a "team" to "go make an attack."

--Discussion that the construction of a "radio frequency remote-control detonator" needed to be improved because its range was only 30 feet.

--Allegations the accused attended two training camps where they practiced military-style exercises in camouflage gear, undertook firearms training with a 9-mm firearm, donned camouflage clothing, and made a propaganda-style video of their military drills.

19. (SBU) COMMENT: Canadian law enforcement officials and prosecutors have very carefully handled this first case to be tried under the new anti-terrorism legislation. We understand that the adults may be tried in two groups - the eight men who were involved in the bomb plot; and the remaining six men who reportedly were only involved in the training camp. Before the adult trials start, judges will have to decide whether to provide additional financial support for Canadian Legal Aid, which has appealed for significant additional funding to handle the complicated cases, and how to handle evidence obtained by CSIS. We do not expect the (likely) two adult trials to start before this fall. We expect the trials to take years, with defense lawyers challenging the constitutionality of the charges. END COMMENT.

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